

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

RECEIVED**FEB 28 2000**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ONE CALL COMMUNICATIONS, INC.)
 d/b/a OPTICOM)
)
 Petition for Waiver of PIC Change)
 Authorization and Verification Requirements,)
 47 C.F.R. Sections 64.1100-64.1190)

CC Docket No. 94-129

**PETITION FOR EMERGENCY WAIVER
AND REQUEST FOR EXPEDITED TREATMENT**

One Call Communications, Inc. d/b/a Opticom ("One Call"), hereby requests a waiver of the Commission's primary interexchange carrier ("PIC") change authorization and verification requirements,¹ in order to allow the customers of Cleartel Communications, Inc. ("Cleartel") to enjoy uninterrupted service following the transfer of Cleartel's customer contracts to One Call pursuant to a Purchase Agreement and Agreement of Merger. One Call respectfully requests grant of this petition for waiver on an expedited basis, within one month, to permit One Call to become the primary carrier for those Cleartel customers it is unable to identify or contact prior to the transfer of service, without obtaining the customers' prior authorization. Cleartel, through its President, has consented to and concurs in this petition for waiver. The Commission recently has granted similar waivers of the PIC Change Rules for similarly situated carriers.

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¹ 47 C.F.R. §§ 64.1100 - 64.1190 ("PIC Change Rules").

BACKGROUND

Opticom, a division of One Call, is an operator service provider for both public and private payphones. One Call is located at 801 Congressional Boulevard, Carmel, Indiana 46032. Cleartel is a District of Columbia corporation located at 1255 22nd Street, N.W., Washington, D.C. 20037. Cleartel is engaged in the business of providing 0+ operator services and 1+ domestic and international long distance telephone services for payphones, hospitality suites, residences and businesses.

On January 19, 2000, Cleartel and One Call entered into a Purchase Agreement pursuant to which Cleartel agreed to create Cleartel Marketing, LLC ("Cleartel Marketing"), a wholly-owned limited liability company organized under the laws of the state of Delaware. Cleartel agreed to transfer its 0+ and 1+ customer contracts and agreements to Cleartel Marketing and thereafter, sell all of its interest in Cleartel Marketing to One Call.² After the sale, Cleartel will no longer provide 0+ and 1+ domestic service. Pursuant to the Agreement of Merger entered into between One Call and Cleartel Marketing on January 20, 2000, Cleartel Marketing will merge with and into One Call, with One Call as the surviving entity that owns the customer contracts held by Cleartel Marketing. Cleartel Marketing then will cease to exist and Cleartel's Carrier Identification Code ("CIC") will be routed to One Call.³

² One Call is not acquiring Cleartel itself or Cleartel's FCC licenses.

³ One Call is in the process of making all necessary arrangements through the local exchange carriers and obtaining all necessary approvals for this rerouting.

WAIVER REQUEST

Grant of a waiver of Commission rules is warranted if special circumstances exist and approval will serve the public interest.⁴ In this case, One Call intends to purchase the assets of Cleartel's 0+ and 1+ business, including Cleartel's customer accounts and agreements.⁵ Further, Cleartel, through its President, concurs in this petition for waiver. See Declaration of Stephen R. Roberts, attached hereto as Exhibit A. The Commission recently has granted waivers of its PIC Change Rules under similar circumstances in order to allow seamless transition of customers without a disruption in service in a timely fashion.⁶

Grant of the requested waiver will serve the public interest because it will permit a seamless transition of customer traffic from Cleartel to One Call, and One Call's experience in providing operator services to over 150,000 payphones across the United States makes it well qualified to provide high-quality, reliable service to Cleartel's customers. One Call also has years of experience in providing 1+ service across the country, primarily to payphones and hospitality suites. Specifically, One Call makes the following commitments in connection with the grant of this waiver request:⁷ (1) One

⁴ See, e.g., *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

⁵ One Call notes that it holds a Section 214 international resale authorization and has domestic long distance and international tariffs on file with the FCC that permit it to carry this 1+ traffic.

⁶ See, e.g., *International Exchange Communications, Inc. Request for Waiver*, Order, CC Docket No. 94-129, DA 99-1819 (Sept. 10, 1999) (finding that waiver of carrier change rules is warranted where carrier's customer accounts will be purchased by another carrier); *MCI Worldcom, Inc. Request for Waiver*, CC Docket No. 94-129, DA 99-1549 (Aug. 6, 1999) (same); and *Startec Global Operating and PCI Communication, Inc. Request for Waiver*, Order, CC Docket No. 94-129, DA 99-1461 (July 23, 1999) (same) ("*Waiver Cases*").

⁷ One Call notes that these commitments are substantially identical to those required by the Commission in the recent *Waiver Cases*.

Call will amend its tariffs to provide service to the end user customers under the same rates, terms and conditions as currently provided under existing Cleartel tariffs and contracts; (2) One Call will prepare notifications to all Cleartel aggregator-customers regarding the change in service provider,⁸ specifying that (a) One Call will continue to bill end user customers pursuant to the same rates, terms and conditions set forth in existing Cleartel tariffs, and (b) aggregator-customers are free to exercise their right to switch to another service provider at any time if they choose; (3) One Call will establish a 24-hour toll-free number to be staffed by customer relations personnel trained to answer questions about the transition; (4) to the extent that customer complaints have been filed, or are filed, against Cleartel at the Commission, One Call will work closely with the complainants and the Commission to timely resolve these complaints; and (5) One Call will credit existing Cleartel aggregator-customers for any PIC change charge imposed by the local exchange carrier.

One Call seeks the grant of this petition within one month to permit the seamless transfer of service to over 10,000 payphones to One Call pursuant to the Purchase Agreement and Agreement of Merger. One Call expects that the local exchange providers will begin routing Cleartel's customers to One Call at the end of March 2000. Prior to this transfer of service, One Call will attempt to obtain letters of agency ("LOAs") from Cleartel's customers regarding their preferred service provider. Because One Call may be unable to identify and obtain LOAs from all of Cleartel's customers

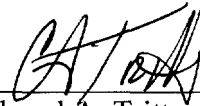
⁸ A draft of this proposed customer notification is attached hereto as Exhibit B.

prior to the transfer of service,⁹ however, One Call has filed this request for waiver out of an abundance of caution.

CONCLUSION

For all of the foregoing reasons, One Call respectfully requests that the Commission grant, on an expedited basis, a waiver of the PIC Change Rules to permit One Call to become the preferred carrier for those Cleartel customers it has been unable to identify or contact prior to the transfer of service, without obtaining the customers' prior authorization and verification.

Respectfully submitted,



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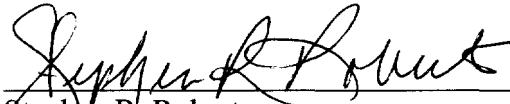
Dated: February 28, 2000

⁹ One Call is beginning to receive customer information from Cleartel, but the process may take several weeks and the information may be incomplete.

EXHIBIT A

DECLARATION

I, Stephen R. Roberts, am President of Cleartel Communications, Inc. ("Cleartel"). Cleartel is selling its 0+ operator services and 1+ domestic and international long distance telephone customer contracts to One Call Communications, Inc. d/b/a Opticom ("One Call") pursuant to a Purchase Agreement, dated January 19, 2000, and an Agreement of Merger dated January 20, 2000. Cleartel concurs in the filing of the foregoing Petition for Emergency Waiver and Request for Expedited Treatment.



Stephen R. Roberts
President
Cleartel Communications, Inc.

Dated: 2/25/2000

EXHIBIT B

March ___, 2000

Dear Cleartel Customer:

As you may be aware, Cleartel is currently undergoing a significant change in its business. Cleartel will no longer be providing operator service and long distance service to its customers, including payphone customers.

Cleartel has entered into an agreement with One Call Communications, Inc., to carry and bill its traffic. One Call will be assuming Cleartel's customer contracts and will attempt to contact you to ask whether you would prefer to keep One Call as your carrier or choose another carrier. Cleartel and One Call have obtained authority from the Federal Communications Commission to change your primary interexchange carrier on your telephone from Cleartel to One Call if One Call is unable to contact you prior to the transfer of customer accounts to One Call.

If you are a payphone provider, as a result of this change, you will need to modify the informational posting at your telephones to reflect One Call's name, address and telephone number pursuant to Section 226(c) of the Communications Act of 1934, as amended.

Please be advised that the end user rates will remain the same and that you are free to choose another carrier. One Call has agreed to reimburse customers for any carrier change charge that might be imposed as a result of the change from Cleartel to One Call. If you have any questions regarding the change in service, One Call has set up a toll free 24 hour customer service line to answer any questions you may have. The telephone number is 1-800-276-1111.

We look forward to carrying your traffic in the future.

Very truly yours,

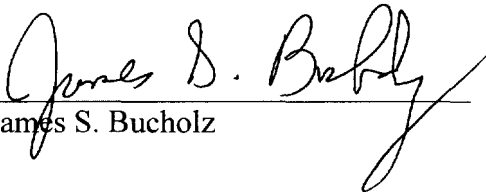
Ann C. Bernard
Corporate Counsel

CERTIFICATE OF SERVICE

I, James S. Bucholz, do hereby certify that the foregoing **PETITION FOR EMERGENCY WAIVER AND REQUEST FOR EXPEDITED TREATMENT** was delivered, via messenger, on this 28th day of February, 2000, to the following:

Colleen Heitkamp
Telecommunications Consumer Division
Enforcement Bureau
Federal Communications Commission
445 12th Street SW, Room 5-A847
Washington, D.C. 20554

Anita Cheng
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James S. Bucholz